



SANDOVAL COUNTY ADMINISTRATIVE OFFICES

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August 22, 2019

Rep. Alan Lowenthal
Chairman, Subcommittee on Energy and Mineral Resources
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Rep. Paul Gosar
Ranking Member, Chairman, Subcommittee on Energy and Mineral Resources
Committee on Natural Resources
1329 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Lowenthal and Ranking Member Gosar:

We write to urge Congress to adopt the Buffalo Tract Protection Act introduced by Representatives Debra Haaland and Ben Ray Lujan as H.R. 2640 and by Senators Heinrich and Udall as S.B. 526. The Buffalo Tract Protection Act would withdraw from gravel mining and mineral development four federally owned parcels in Sandoval County: the Buffalo Tract, the Crest of Montezuma and two other small parcels. These parcels are simply not appropriate sites for gravel mining because they immediately abut the residential (unincorporated) community of Placitas as well as the San Felipe and Santa Ana Pueblos. This legislation is urgently needed to avert ill-considered federal action that would cause serious economic harm to Sandoval County.

The current Rio Puerco Resource Management Plan (RMP), which allows mining on the Buffalo Tract in Area 5 of the Rio Puerco Planning Area, dates back to 1986. When the Bureau of Land Management (BLM) last updated that plan in 1992, it was required by law to ensure ongoing consistency of the plan with local zoning ordinances — yet failed to do so. The time has come for Congress to correct that mistake. Indeed, BLM could authorize new mines at any time under the existing RMP. Exploratory drilling has already taken place on this parcel, which could become the largest gravel mine in Placitas. The proposed draft RMP, whose release may be imminent, continues to allow gravel mining despite strenuous community opposition throughout the ongoing planning process. These possibilities makes passage of the Buffalo Tract Protection Act urgent.

Sandoval County has been trying to redirect gravel mining away from residential areas since January 1989, when the County adopted its first zoning ordinance, which views gravel mining as an industrial use which requires approval of a Special Use (SU) zone district, and mining use is discouraged in its placement near existing residential areas in the County as a whole. The 2009 Placitas Area Plan (PAP) calls for protection of the semi-rural character of the region as well as the character and identity of the

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Eileen Garbagni, Sandoval County Clerk B: 422 P: 19182





specific neighborhoods. As residential development in Placitas has increased, gravel mining in and around Placitas has become even more incompatible with the area's character.

Today, Placitas still hosts four of New Mexico's largest gravel mines, which operate on long-term leases. When the lease for one of the largest mines expired as planned in 2015, the mining company unexpectedly originated a new lease. The County and community organizations sued to block further mining at this site, around which significant residential development had occurred in anticipation of the mine's closing. While the negotiated settlement did not prevent continued mining at this site, it did shorten the time horizon and require remediation. Sandoval County invested limited taxpayer resources in this matter to preserve the County's opportunity for continued economic growth from residential development.

Gravel mining on the Buffalo Tract and related parcels makes no economic sense for Sandoval County. The County stands to lose far more in tax revenues than it would gain from new gravel mining. Each new gravel mine would create only a few new jobs. Moreover, the County would see little additional gross receipts tax because (i) minerals are taxed at the point not of origin but of sale and (ii) most gravel extracted from the Buffalo Tract is expected to be sold outside of Sandoval County. Moreover, gravel mining involves heavy truck traffic, which burdens road infrastructure.

Of course, a ready supply of affordable gravel also has economic benefits. The BLM's own mineral resource studies indicate not only that there is ample gravel supply available from existing mines for decades-long regional development, but also that there is enormous gravel resource potential in both Bernalillo and Sandoval Counties (the greater Albuquerque metropolitan area markets). This includes supply on federal lands. We would welcome gravel mining on other federal lands in our County, but *not* in the Buffalo Tract and related parcels.

Migration to Sandoval County — from across New Mexico and across the country — has helped fuel the economic growth of the County. Placitas has been an especially attractive destination, notably for retirees and the semi-retired, because of its natural beauty. Such natural beauty is precisely why New Mexico's nickname is the "Land of Enchantment." Preserving the Buffalo Tract for recreation and wildlife, as well as an urban interface with lands to the north, would make Sandoval County a more attractive place to live and a more desirable location to do business.

Gravel mining produces particulate matter that creates significant health risks within a range of several miles. Most notably, such particulates are a leading cause of silicosis. New Mexicans already suffer some of the highest silicosis rates of any Americans. Even the perception — and especially the reality — of public health impacts from gravel mining will depress property values in nearby areas and deter new immigration. In fact, such impacts have already occurred.



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Gravel mining consumes three times per acre the amount of water consumed by residential development in Placitas. Water is the most precious resource in the high desert. All economic activity — all *life* — in Sandoval County depends on sustainable water supplies.

We thank the Committee for its attention to our concerns and appreciate the opportunity to explain our support for the Buffalo Tract Protection Act. In closing, we urge expeditious passage of this legislation.

Sincerely,


SANDOVAL COUNTY COMMISSION:


David J. Heil, Chair


Jay C. Block, Vice Chair


Michael Meek, Member


F. Kenneth Eichwald, Member


Katherine Bruch, Member

cc: Chairman Grijalva

Ranking Member